REMARKS

Claims 24-27, 29-37, 39-52, 54, 56-64, 66 and 68-76, and 79-82 are in the case and presented for consideration.

Amended independent claim 24, the only independent claim now presented, includes subject matter from previous claim 24 and canceled claims 28, 38 and 53, as well as limitations concerning the nature of the support 15 and the functionality of the claimed light coupling element, e.g. for producing an evanescent electromagnetic field at the surface 3. Claim 24 is believed to be within the election and limited travers of June 25, 2004, which the Examiner considered persuasive.

The Examiner has rejected claims 24, 28, 38, 53 and other claims as being fully anticipated under 35 U.S.C. 102(b) by the article to Grann et al. (hereafter referred to simply as Grann).

Although Grann appears to be the most relevant prior art reference at first sight, Grann teaches a significant limitation to those with ordinary skill in this art, which is <u>contrary</u> to the claimed invention.

Grann teaches zeroth-diffracted-order gratings, applying the effective medium theory or EMT (see Grann at page 2698, right column, near the bottom of the page). This theory is only applicable with a small grating period M of about 0.001. On page 2699, left column near the bottom, Grann states:

"One would expect that for larger normalized grating periods there would be some depolarization of the TE or TM polarized wave. <u>However, in this regime one cannot define an effective homogenous medium that has three independent effective indices.</u>" (emphasis added).

Grann thus, actually teaches away from the solution of the present application with

the claimed grating period (the distances (d_o) of successive equidistantly parallel indentations) being between 0.1 λ and 10 λ. Furthermore, Grann is discussing antireflection surfaces (see page 2695, left column, "Introduction") with the aim of reducing reflections (see page 2702, right column middle and "Summary and Conclusions" section).

The present invention as claimed, on the other hand, deals with an element with an abnormally high reflection, thus contrary to the teaching of Grann.

The remaining claims are believed to even further distance the invention from the teachings and suggestion of Grann and therefore all the claims are believe clearly not anticipated by Grann.

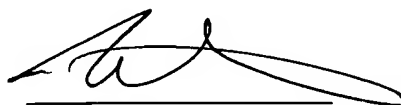Claim 24 now includes, among other limitations, the requirements that:

- the light coupling element has the purpose to produce an evanescent electromagnetic field at the surface, and

- the distances d_o of successive equidistantly parallel indentations are equal and relative to the selected wavelength in air are selected so that 0.1 $\lambda \le d_0 \le$ 10 λ.

The present invention also differs from the known solution of published PCT application WO 01/02839 to Budach et al. (also cited in the Applicants' IDS), in having almost identical grid periods for both grid directions of a crossed grid structure. By using this structure, the system of the present invention is polarization independent for evanescent electromagnetic fields at the surface. The teaching of Grann would not lead to this solution as Grann teaches away from using such high grating periods.

The remaining references are also believed to be insufficient to render the claims anticipated or obvious taken alone or in any combination.

By this amendment thus, the application and claims are believed to be in condition for allowance and further favorable action is respectfully requested.

Respectfully submitted,

Peter C. Michalos
Reg. No. 28,643
Attorney for Applicants
(845) 359-7700

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NOTARO & MICHALOS P.C.
100 Dutch Hill Road
Suite No. 110
Orangeburg, New York 10962-2100

Customer No. 21706

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Encs.

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